IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 398 OF 2006

Krantikari Jaihind Sena ...Petitioner

Versus

The State of Maharashtra and others ... Respondents

Mr. R.N. Kachave for the petitioner.

Mr. Ravi Kadam, Advocate General, with Mr. K.R. Belosay, Government Pleader, for respondent Nos.1 to 5.

Mr. A.K. Jalisatgi with Mr. Amol B. Desai, for respondent Nos. 6 and 7.

Mr. Rui Rodrigues for respondent Nos. 8 and 9.

Mr. R.D. Tiwari for respondent No.10.

Mr. S.D. Rupwate with Mr. G.P. Lasure for respondent Nos. 12 and 15.

Mr. Rajiv Patil for respondent No. 13.

CORAM: **H.L. GOKHALE, Ag. C.J.,** & **V.M. KANADE, J.**

DATE: **FEBRUARY 21, 2007**.

P.C.

Heard Mr. Kachave in support of this petition.

2. This petition has two-fold prayers. Prayer clause (b) is that the petitioner, a political party, be allotted some vacant premises near Yeshodhan in South Mumbai. As far as this prayer is concerned, in the

affidavit of one Mr. Hiralal Ramdas Suryavanshi, Under Secretary to the Government, General Administration Department, it has been stated that either the National or State level recognised political parties are allotted office premises and that too as per the availability of space. As far as petitioner is concerned, it falls in none of the two categories. This being the position, there is no question of allotting any such space to the petitioner.

3. As far as prayer clause (a) is concerned, it is to recover the amounts of rent due from respondent Nos. 6 to 20. After the matter was heard on the last date of hearing and was adjourned, considerable progress has been made in the matter of recovery of rent. A further affidavit has been filed by one Anilkumar Baliram Gaikwad, Executive Engineer, Presidency Division. He has annexed a chart showing the details of dues of the political parties as on 15th February, 2007. The major defaulters, as seen earlier, were Mumbai Regional (Congress-I) Committee , Maharashtra Pradesh Congress Committee (I) and the Bhartiya Janata Party. As per this chart, these parties have cleared the outstanding amount in their entirety. There is a dispute about one shed admeasuring 2432 sq.ft. which is adjoining the Mumbai Regional Congress Committee office. The submission of Mr. Rodrigues, learned

counsel appearing for respondent Nos. 8 and 9, is that the shed is used by the visitors to the Government and to various political parties and not merely visitors of the Congress Party. He wants to represent to the Competent Authority for that purpose. The party concerned may represent within four weeks and on receiving the representation, the Competent Authority will take an appropriate decision within four weeks thereafter. If the representation is accepted well and good but if it is not, then the Congress Committee will clear the arrears or the Competent Authority will take steps to remove the shed which is obviously an unauthorised one.

4. There are some smaller parties whose rent amounts are also due. Shri Rajiv Patil, learned counsel, is appearing for Janata Dal (Secular). The arrears shown against this party are quite large. Mr.Patil states that an amount of Rs. 6 lakhs has been deposited by this party on 12th February, 2007 by pay order. He, however, states that the rent amount due for another office which is shown against the name of Janata Party are also being claimed from Janata Dal (Secular). He states that Janata Dal (Secular) has nothing to do with the other office situate near Yashodhan building as his party's office is situate in front of the LIC Building. He wants to represent with respect to the claim

concerning the other office and he seeks a reduction of those amounts which are wrongly included, according to him, in the bill given to his party. It will be for his client to represent to the Competent authority and it is for the Competent Authority to take appropriate decision in accordance with law.

5. Mr. Rupwate, has appeared for the Republican Party of India (Khobragade Group). This party is in arrears to the tune of Rs. 7,74, 022/- and an eviction order has been passed way back on 28th March, 2002. No appeal has been filed since then. Mr. Rupwate seeks time to make the payment. It will be for his client to represent to the competent Authority and it is for the Competent Authority to take appropriate decision in accordance with law.

6. As far as many other smaller parties are concerned, either there are arrears of amounts or eviction orders are passed. If the eviction order is passed and no appeal is preferred, the concerned Engineer will take steps to take possession. In cases where there are arrears but no such order is passed, it will be expected of the concerned Engineer to initiate appropriate proceedings to recover those amounts failing which he may initiate action for eviction against

them. We clarify that it will certainly be open to these political parties against whom eviction orders are passed to resort to the remedies available to them in law. The petition is accordingly disposed of.

ACTING CHIEF JUSTICE

V.M. KANADE, J.